

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2005 JUN 10 P 1:38

Arizona Corporation Commission

DOCKETED

JUN 10 2005

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY

IN THE MATTER OF:

DOCKET NO. E-01750A-04-0929

ROGER CHANTEL

Complainant,

vs.

MOHAVE ELECTRIC COOPERATIVE,

PROCEDURAL ORDER

Respondent.

BY THE COMMISSION:

On December 27, 2004, a letter from Roger Chantel ("Complainant") was filed with the Arizona Corporation Commission ("Commission") as a formal complaint against Mohave Electric Cooperative ("Complaint"). The Complaint alleges that Mohave Electric Cooperative ("Mohave" or "Respondent") is denying Complainant electric service in association with a line extension request.

On January 24, 2005, Mohave filed a response to the Complaint, requesting that the Commission deny the Complaint.

Accordingly, by Procedural Order issued February 8, 2005, a pre-hearing conference was set for February 22, 2005 for the purpose of discussing the procedures that will govern this matter.

The Pre-Hearing Conference was held as scheduled. Complainant Mr. Roger Chantel appeared on his own behalf, and Mr. Stephen McArthur, Mohave's Comptroller, appeared on behalf of Respondent Mohave. At the Pre-Hearing Conference, Mr. Chantel stated that the process for obtaining his line extension had begun. He stated that he had received a letter from Mohave dated February 2, 2005, that in response he had sent Mohave a letter dated February 14, 2005, and that he was in communication with Mohave regarding his requested line extension agreement. Mr. McArthur stated that on January 25, 2005, Mohave had sent one of its field engineers to the site

1 where Mr. Chantel has requested service in order to review the project. Mr. McArthur stated that the
2 content of the February 2, 2005 letter from Mohave to Mr. Chantel was based on the meeting
3 between the field engineer and Mr. Chantel; that his office was in receipt of the February 14, 2005
4 letter from Mr. Chantel; and that Mohave's engineering department was working on a response to the
5 letter, which response would be sent out that day or the next. Mr. McArthur stated that Mohave is
6 very consciously trying to treat Mr. Chantel as it would any other consumer, and does not intend to
7 ignore Mr. Chantel's line extension request.

8 At the conclusion of the February 22, 2005 Pre-Hearing Conference, the parties were ordered
9 to file a status report by March 22, 2005 outlining the parties' progress on the line extension request.

10 The February 14, 2005 letter from Mr. Chantel to Mohave was docketed February 22, 2005.
11 Mohave's March 3, 2005 letter in response was docketed on March 9, 2005.

12 On March 22, 2005, Mohave docketed a copy of a letter mailed to Mr. Chantel in response to
13 a March 10, 2005 letter from Mr. Chantel to Mohave.

14 Also on March 22, 2005, Mr. Chantel docketed a letter to the Commission.

15 On March 28, 2005, Mohave docketed a correction to its March 22, 2005 filing.

16 On April 8, 2005, Mohave docketed a copy of an April 1, 2005 letter to Mr. Chantel.

17 On April 19, 2005, Mohave docketed a copy of a response letter and construction agreement
18 mailed to Mr. Chantel in response to an April 8, 2005 letter that Mohave received from Mr. Chantel.
19 Mohave's filing also included a copy of the April 8, 2005 letter.

20 On June 6, 2005, Mr. Chantel docketed a letter to the Commission dated May 31, 2005. The
21 letter requested a hearing.

22 Accordingly, a hearing should be set on the Complaint. However, Mr. Chantel and Mohave
23 should continue to work toward a reasonable solution to the dispute.

24 Complainant's June 6, 2005 filing stated that the filing included "a separate letter that will not
25 be sent to MEC [Mohave]." Commission rules require that parties to Commission proceedings
26 provide a copy of all docketed filings to any person who is a party to the proceeding. Therefore, Mr.
27 Chantel must provide to Mohave a full and complete copy of the filing docketed on June 6, 2005.

28 Arizona law allows a public service corporation to be represented by a corporate officer or

1 employee who is not a member of the State bar if 1) the corporation has specifically authorized the
2 officer or employee to represent it, and 2) the representation is not the officer or employee's primary
3 duty for the corporation but is secondary or incidental to such officer's or employee's duties relating
4 to the management or operation of the corporation. A.R.S. § 40-243. It appears that Mr. McArthur
5 meets the second prong of the statutory condition allowing him to represent Mohave. However, there
6 is nothing in the record of this proceeding specifically authorizing Mr. McArthur to represent its
7 interests in the Complaint hearing. Mohave will therefore be directed to either provide such specific
8 authorization in the form of a resolution of Mohave's Board of Directors, or to retain counsel to
9 represent it in this proceeding.

10 On June 29, 2004, the Commission issued Decision No. 67089 on a complaint filed against
11 Mohave by Roger and Darlene Chantel, also regarding a line extension agreement dispute. Prior to
12 the hearing on this Complaint, the parties should brief the issue of the effect of Decision No. 67089
13 on this proceeding.

14 IT IS THEREFORE ORDERED that a **hearing** shall commence in this matter on **August 30,**
15 **2005 at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

16 IT IS FURTHER ORDERED that Complainant and Respondent shall continue to work
17 toward a reasonable solution of the dispute.

18 IT IS FURTHER ORDERED that Complainant shall, no later than June 24, 2005, provide
19 Respondent a full and complete copy of the filing Complainant docketed on June 6, 2005.

20 IT IS FURTHER ORDERED that Respondent shall, by July 8, 2005, either 1) file a Notice of
21 Appearance of Counsel; or 2) file a copy of a resolution by Mohave Electric Cooperative's Board of
22 Directors specifically authorizing an officer or employee of Respondent who meets the requirements
23 of A.R.S. § 40-243 to represent it in this proceeding.

24 IT IS FURTHER ORDERED that Complainant and Respondent shall file, no later than July
25 22, 2005, Pre-Hearing Briefs on the legal effect of Decision No. 67089 on this proceeding. The Pre-
26 Hearing Briefs shall include legal arguments in support of the positions taken in the Pre-Hearing
27 Brief.

28 IT IS FURTHER ORDERED that Complainant and Respondent shall file, no later than

1 August 11, 2005, their Responses to the Pre-Hearing Briefs. The Responses shall include legal
2 argument in support of the positions taken in the Responses.

3 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend or waive
4 any portion of this Procedural Order by subsequent Procedural Order or by ruling at hearing.

5 DATED this 10th day of June, 2005

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8 
TEENA WOLFE
9 ADMINISTRATIVE LAW JUDGE

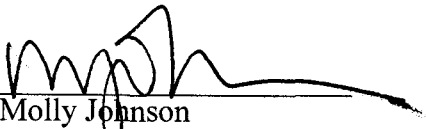
10 Copies of the foregoing were faxed and mailed
11 this 10 day of June, 2005, to:

12 Roger Chantel
13 10001 East Hwy. 66
Kingman, AZ 86401

14 Stephen McArthur, Comptroller
15 Mohave Electric Cooperative
P.O. Box 1045
Bullhead City, AZ 86430

16 ARIZONA REPORTING SERVICE, INC.
17 2627 N. Third Street, Ste. Three
Phoenix, AZ 85004-1003

18
19 By:

20 
Molly Johnson
21 Secretary to Teena Wolfe
22
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25
26
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